

Opening Statement of Rebecca Vigil-Giron before the United State House of Representatives
Administration Committce hearing on election reform
Wednesday, April 25, 2001
Longworth Building, Room 1310

Mr. Chairman, Mr. Hoyer, distinguished members of the committee. Thank you for your invitation to be included in this important hearing.

My name is Rebecca Vigil-Giron. I currently serve as Secretary of State for the state of New Mexico and as Chair of the National Association of Secretaries of State Standing Committee on Elections and Voter Participation. I also serve as a member of the National Elections Standards Task Force.

Our Task Force is a ten member panel including some of our nation's top state election officials. Members include 7 Secretaries of State from California, Kentucky, Pennsylvania, Alabama, Maryland, Arkansas and New Mexico. It includes the President of the National Association of State Election Directors, the Executive Director the New York State Board of Elections, and the Executive Director of the Houston-based Election Center, which trains state and local election administrators. We are a non-partisan association.

The Task Force is committed to maintaining local and state control of elections with the help of federal resources and to make short term and long term recommendations to congress, state governments, local governments, and the general public for overall improvement of our election laws and systems.

In my own state of New Mexico we have established a system of laws and uniform standards which, together, are perhaps unique in our country. Ballots are uniform throughout the state and compatible with the types of voting machines used. Uniform standards and procedures are required by law for all county, state and federal elections. As a general goal, I think it would serve our nation well if all states were required by state law to adhere to uniform standards for all the precincts in their own states.

All elections in New Mexico are conducted by voting machines. County Clerks can choose from 3 different types of voting machines that have met state and federal standards. County Clerks are required to test all electronic machine programs no later that 10 days prior to the election. In addition they are required to seal and retain the logic and accuracy test printouts known as the internal audit trial. The County Clerk must also seal and retain test ballots used in the mark sense voting machines.

Our voting populations are always growing. To ensure that counties can purchase the machines they need, New Mexico has established a revolving fund of 4 million dollars that can be used to purchase machines with no interest charged and for up to 20 years to pay for them.

State law also addresses the issue of recounts. Candidates may file a petition for a recount in District Court within 6 days after the election canvass. If the District Court orders a recount, the

County Clerks or Secretary of State must summon the precinct board to recount the votes.

New Mexico law may be unique in the United States of America in that it requires a dual set of original and complete election returns from every precinct. One set of election returns is delivered to the County Clerk and a second set must be mailed to the Secretary of State on election night. Again, by law, the Secretary of States Office must use its set to create the State Canvass.

State law requires that the county canvass be delivered to the Secretary of State within 10 days after the election. The law requires that the 2 sets be compared and reconciled if there are differences. This check in the system is mandatory to ensure that votes are counted correctly.

To further insure accuracy, an independent auditor is hired by the state to complete a final audit. Upon completion of the independent audit, the canvass is presented to the State Canvassing Board made up of our Governor, the Secretary of State and the Chief Justice of our Supreme Court. Review, approval and signing of the final canvass is due on the 21st day after the election.

I am very proud of how New Mexico compares to other states in the management of it's elections. But no system is perfect and it is our duty to constantly strive to improve our election laws and procedures. Machines can malfunction and human error is always a concern. However, we can take steps to help prevent problems before they occur and to correct problems quickly when they do occur.

I am sure you have heard the old, but wise proverb; that an ounce of prevention is worth a pound of cure. With this in mind, we would be well served as a nation to commit to funding for extensive training of our precinct boards or poll workers.

In New Mexico, training is mandatory for County Clerks and precinct poll workers. It is required prior to all primary and general elections. Training and certification is mandatory for voting machine technicians. It is my duty as Secretary of State to examine and approve all voting machines used in public elections. I strongly believe that proper training for the correct operation of voting equipment and education of our election laws is of paramount importance.

Our state legislature recently approved better pay for our precinct boards. Poll workers are at the front lines on election day and it is essential that they be fairly compensated for the important and hard work they do.

Also extremely important is congressional funding which will allow the Federal Elections Commission to complete its update of the voting machine certification standards.

On a national level we cannot relent in our resolve to restore the confidence of the American people in our election systems. Whatever our party affiliation, it is our duty as elected representatives of the people to firmly re-establish the electoral foundation of our democracy and to prepare it for the demands of the 21st Century.

Thank you for everything you have done to make our country stronger.